

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

HARRY R. HAMMAR, III,

Plaintiff,

v.

Civil Action No. 3:11CV752

JAMES STEWARD, III, et al.,

Defendants.

MEMORANDUM OPINION

Harry R. Hammar, a Virginia detainee proceeding pro se, filed this civil rights action. The matter is before the Court on Hammar's failure to serve the defendants within the time required by Federal Rule of Civil Procedure 4(m).¹

Pursuant to Federal Rule of Civil Procedure 4(m), Hammar had one hundred and twenty (120) days from the Court's July 6, 2012 Memorandum Order to serve Defendants. By Memorandum Order entered on March 18, 2013, the Court directed Hammar, within

¹ Rule 4(m) provides:

If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1).

Fed. R. Civ. P. 4(m).

eleven (11) days of the date of entry thereof, to show good cause for his failure to serve the defendants within the time required by Rule 4(m). Hammar has not responded. Accordingly, the action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion to Hammar.

It is so ORDERED.

/s/

REP

Robert E. Payne
Senior United States District Judge

Date: *May 13, 2013*
Richmond, Virginia